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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,205	01/09/2006	Marcus Schorpp	878.0071.U1(US)	6128
29683 7590 03/11/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER SEDIGHIAN, REZA	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 03/11/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,205	Applicant(s) SCHORPP, MARCUS	
	Examiner M. R. Sedighian	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 82 is/are allowed.
- 6) ☒ Claim(s) 49-54, 56, 59, 65-78, 80-81 is/are rejected.
- 7) ☒ Claim(s) 55, 57, 58, 60-64 and 79 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/19/06, 5/19/08</u> | 6) <input type="checkbox"/> Other: _____ |

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1. This communication is responsive to applicant's amendments and remarks of 12/1/08.

The amendments have been entered. Claims 49-82 are now pending.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 53, 72, 75, 78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 53 recites the limitation "the opto-electronic device" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 72 recites the limitation "the second receiver circuitry" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 75 recites the limitation "the communication channel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 78 recites the limitation "the apparatus" in line 2. There is insufficient antecedent basis for this limitation in the claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 49, 50-54, 56, 59, 66-67, 69-74, 77, and 80-81 are rejected under 35

U.S.C. 102(b) as being anticipated by Willebrand (US Patent No: 6,763,195 B1).

Regarding claims 49, 69, 80, and 81, Willebrand teaches an apparatus (20, fig. 3), comprising: first receiver circuitry (64, fig. 3) configured to receive via a first communication channel (26, fig. 3), first data transmitted from within the apparatus in the form of an optical signal (col. 3, lines 25-34); and second receiver circuitry (56, fig. 3) configured to receive via a second communication channel (26, fig. 3), second data transmitted from within the apparatus (col. 5, lines 22-25); wherein the first receiver circuitry has a first mode (col. 6, line 8-10, the standby mode) in which it is not operable to receive the first data (col. 3, lines 63-67, col. 6, lines 8-10), and a second mode (col. 6, lines 17-20, the active mode) in which it is operable to receive the first data, and in response to the second receiver circuitry (56, fig. 3) receiving the second data when the first receiver circuitry is in the first mode (col. 6, lines 11-15, note that second receiver circuitry 56 receives the optical signals continually, even during the standby mode of operation), the first receiver circuitry is operable to switch from being in the first mode to being in the second mode (col. 6, lines 17-27, note that information regarding optical failure is continuously shared between the transceivers 64, 56, such that both station can make a switch between active and standby modes, thus, while receiver circuitry of transceiver 56 receives the second data (the data from transceiver 64), the switch in transceiver 64 can switch from standby mode to an active mode (from a first mode to a second mode)).

Regarding claims 50 and 70, Willebrand teaches when the first receiver circuitry is in the second mode, it consumes more power than the second receiver circuitry when the second

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receiver circuitry is operable to receive the second data (note that when opto-electronic receiver 64 is in a second mode, or an active mode, it consumes more power than in standby mode).

Regarding claim 51, Willebrand teaches the first communication channel is operable to transfer data more quickly than the second communication channel (note data signal transmission through path 26 is faster than RF path 28).

Regarding claims 52 and 71, Willebrand teaches the first receiver circuitry (64, figs. 3, 4) comprises an opto-electronic device (90, fig. 4).

Regarding claims 53 and 72, Willebrand teaches the second data is in the form of an optical signal (col. 5, lines 22-24, note that data communicates between the two transceiver circuitry), and a second receiver circuitry (56, figs. 3, 4) comprises the opto-electronic device (88, fig. 4), and the first receiver circuitry (90, fig. 4) and the second receiver circuitry (88, fig. 4) have different control circuits (col. 3, lines 7-10, 41-42).

Regarding claims 54 and 73, Willebrand teaches the second data is in the form of an optical signal and the second receiver circuitry (56, figs. 3, 4) comprises a second opto-electronic device (88, fig. 4).

Regarding claims 56 and 74, Willebrand teaches the second data is in the form of an electrical signal (col. 5, lines 25-27, note that electrical data signals related to control and status information, also communicate between the stations).

Regarding claim 59, Willebrand teaches the apparatus (20, fig. 3) comprises an optical transmitter (56, figs. 3, 4 and 108, fig. 5) for transmitting the first data (col. 5, lines 22-25, col. 10, lines 14-15).

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Regarding claims 66 and 77, Willebrand teaches the second data indicates that the second receiver circuitry is to wake up the first receiver circuitry from the sleep mode (col. 7, lines 62-65).

Regarding claim 67, Willebrand teaches the second receiver circuitry (56, figs. 3, 4 and 88, fig. 4) continuously monitors the second communication channel for the second data (col. 6, lines 22-27).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 65 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willebrand (US Patent No: 6,763,195 B1) in view of Hamilton (US Patent No: 7,221,285 B1).

Regarding claims 65 and 76, Willebrand discloses when the first receiver circuitry (64, figs. 3, 4) does not receive an optical signal, it enters into standby mode of operation (col. 3, lines 63-67). Willebrand differs from the claimed invention in that Willebrand does not specifically disclose the first receiver circuitry further enters into a sleep mode. However, it is well known that when a receiving circuit does not receive a signal for a period of time, it can enter into a sleep mode. For example, Hamilton teaches a transceiver circuit can enter into standby mode, or sleep mode (col. 2, lines 31-34). As it is taught by Hamilton, it would have been obvious to a person of ordinary skill in the art at the time of invention the transceiver of

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Willebrand, while it is in standby mode, it can enter into a sleep mode such that power can be saved.

8. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Willebrand (US Patent No: 6,763,195 B1) in view of Patterson et al. (US Patent Application Publication No: 2005/0117912 A1).

Regarding claim 68, Willebrand differs from the claimed invention in that Willebrand does not teach the apparatus is a portable electronic apparatus. Patterson teaches a remote management node (100, fig. 1) with transceiver circuitry (105, 107, fig. 1) that is portable (page 3, paragraph 0045, lines 1-2). As it is taught by Patterson, it would have been obvious to a person of ordinary skill in the art at the time of invention to make the transceiver units of Willebrand portable, such that optical data communication can be easily transmitted and received.

9. Claims 55, 57-58, 60-64, and 79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 82 is allowed over prior art of record.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034.

The examiner can normally be reached on 9 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. Sedighian/
Primary Examiner, Art Unit 2613